

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

MARIA MELENDREZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 3:15-cv-1397
	§	
KOHL'S CORP.,	§	
	§	
Defendant.	§	

**PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL**

MARIA MELENDREZ (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against KOHL'S CORP. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (TCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this Court over Plaintiff's Complaint arises pursuant to 28 U.S.C. § 1331.

3. Because Defendant conducts business in the State of Texas, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

**PARTIES**

5. Plaintiff is a natural person who resides in Richardson, Texas.

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a main business office in Menomonee Falls, Ohio.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**FACTUAL ALLEGATIONS**

8. In or around 2014, Defendant began constantly and consistently placing telephone calls to plaintiff in an attempt to collect a debt an alleged debt.

9. Defendant places telephone calls to Plaintiff on Plaintiff's cellular telephone at 347-857-08XX.

10. Defendant places telephone calls from numbers including, but not limited to, 414-257-2339, 262-704-9780, and 903-593-8790

11. Based upon the timing and frequency of Plaintiff's calls and per its prior business practices, each collection call placed by Defendant to Plaintiff was placed using an automatic telephone dialing system.

12. On or around December 30, 2014 at approximately 2:34 p.m., Plaintiff received a call from Defendant and spoke to Defendant's representative, "Derrick."

13. During the course of the telephone conversation on or around December 30, 2014, Plaintiff requested that Defendant cease placing calls to her cellular telephone.

14. Plaintiff revoked any consent, either explicitly or implicitly, to receive automated telephone calls from Defendant on her cellular telephone in or around December 30, 2014.

15. Despite Plaintiff's request to cease, Defendant placed at least one hundred and seventy-eight (178) calls to Plaintiff in an approximate three- month period between January 5, 2015 and April 11, 2015.

**COUNT I**  
**DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT**

16. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).
17. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

18. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
19. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
20. All court costs, witness fees and other fees incurred; and
21. Any other relief that this Honorable Court deems appropriate.

Dated: May 4, 2015

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Ryan Lee

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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, MARIA MELENDREZ, demands a jury trial in this cause of action.